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Filing date: **06/06/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91205411
Party	Plaintiff Virgin Enterprises Limited
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Signature	/Craig A. Beaker/
Date	06/06/2013
Attachments	130606 Motion to Suspend 91205411.pdf(353015 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In re Application No. 85/299,486**

**Filed: April 20, 2011**

**Mark: CARBON VIRGIN**

**Published in the *Official Gazette* (Trademarks) on: April 3, 2012**

<b>VIRGIN ENTERPRISES LIMITED,</b>	)	
	)	
<b>Opposer,</b>	)	
	)	
<b>v.</b>	)	<b>Opposition No. 91205411</b>
	)	
<b>MICHAEL CASEY,</b>	)	
	)	
<b>Applicant.</b>	)	

**JOINT MOTION TO SUSPEND PROCEEDINGS FOR NINETY (90) DAYS**

Pursuant to Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) § 510 *et seq.* and 37 C.F.R. § 2.117(c), VIRGIN ENTERPRISES LIMITED (“Virgin” or “Opposer”) and MICHAEL CASEY (“Casey” or “Applicant”) jointly move that the Trademark Trial and Appeal Board (the “Board”) suspend the above-captioned opposition proceeding for ninety (90) days, as recent health concerns for Applicant have delayed completion of the parties’ settlement negotiations.

Applicant and Opposer are currently engaged in active settlement discussions of the above-captioned opposition proceeding, as well as Opposition No. 91194225, which involves the same parties and same marks. Since the last suspension, Opposer most recently proffered terms of settlement to Applicant on April 23, 2013, and the parties are making progress toward resolution of this matter. However, Applicant has been unable to give full consideration to Opposer’s settlement overtures due to recent health issues that impede Applicant’s ability to respond substantively. Specifically, by his signature

below, Applicant affirms that his health concerns have encumbered Applicant's ability to evaluate and substantively respond to Opposer's most recent settlement proposal, which has delayed the parties' ability to conclude settlement negotiations during the past suspension. However, Applicant expects that he will be able to respond substantively to Opposer on settlement within the next thirty (30) days.

The parties agree that suspension of these proceedings is appropriate, as the taking of discovery in the above-captioned opposition and rebuttal testimony in the '225 opposition will not be conducive to reaching a negotiated settlement. Further, the parties agree that neither party will be prejudiced by the granting of the suspension requested herein. Accordingly, the suspension is jointly sought with good cause based on Applicant's health concerns and not for purposes of delay.

The parties therefore jointly move that the Board suspend all deadlines for an additional period of ninety (90) days and that the discovery and trial schedule be reset as detailed below:

PROPOSED SCHEDULE	
Initial Disclosures Due	September 7, 2013
Expert Disclosures Due	January 5, 2014
Discovery Closes	February 4, 2014
Plaintiff's Pretrial Disclosures	March 21, 2014
Plaintiff's 30-Day Trial Period Ends	May 5, 2014
Defendant's Pretrial Disclosures	May 20, 2014
Defendant's 30-Day Trial Period Ends	July 4, 2014
Plaintiff's Rebuttal Disclosures	July 19, 2014
Plaintiff's 15-Day Rebuttal Period Ends	August 18, 2014

The foregoing request is prior to the current expiration of the above trial periods.

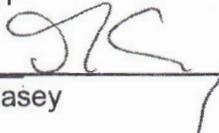
Respectfully submitted, stipulated and agreed,

Dated: 979 5/6/2013

Dated: 6/6/2013

MICHAEL CASEY

VIRGIN ENTERPRISES LIMITED

By:   
Michael Casey

By:   
Craig A. Beaker

MICHAEL CASEY  
AM TREPTOWER PARK 51  
12435 BERLIN  
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Applicant

Attorneys for Opposer,  
VIRGIN ENTERPRISES LIMITED

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing JOINT MOTION TO SUSPEND PROCEEDINGS has been served upon Michael Casey via email at [mrc@sternacapital.net](mailto:mrc@sternacapital.net) pursuant to the mutual agreement between the parties dated August 18, 2011, with a confirmation copy sent via first class mail, postage prepaid, addressed to:

MICHAEL CASEY  
AM TREPTOWER PARK 51  
12435 BERLIN  
GERMANY

Dated: June 6, 2013

By: 

Craig A. Beaker  
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